

INCIDENT DATA		INCIDENT/INVESTIGATION																
		Internal Copy					Case# 19017921											
							Date / Time Reported 04/30/2019 14:08 Tue											
							Last Known Secure 04/30/2019 12:39 Tue											
Agency Name Pasco Sheriff's Office		ORI FL0510000		Location of Incident 30649 Wells Rd, Wesley Chapel FL 33545-			Premise Type School/college		F. Y3		At Found 04/30/2019 12:39 Tue							
#1	Crime Incident(s) (Com) M Culpable Negligence- Exposure To Harm 784.05.1				Weapon / Tools HANDGUN					Activity								
	Entry		Exit		Security													
#2	Crime Incident ()				Weapon / Tools					Activity								
	Entry		Exit		Security													
#3	Crime Incident ()				Weapon / Tools					Activity								
	Entry		Exit		Security													
MO																		
VICTIM	# of Victims 1		Type: INDIVIDUAL/ NOT LAW				Injury: None				Domestic: N							
	V1		Victim/Business Name (Last, First, Middle)				Victim of Crime # 1,		DOB Age 14		Race W Sex F Relationship To Offender Z Resident Status Military Branch/Status							
	Home Address										Home Phone							
	Employer Name/Address TEWMS STUDENT (8TH GRADE)										Business Phone		Mobile Phone					
	VYR		Make		Model		Style		Color		Lic/Lis VIN							
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim)																	
	Type: INDIVIDUAL/ NOT LAW ENFORCEMENT Injury:																	
	Code IO		Name (Last, First, Middle) FOWLER, RACHEL				Victim of Crime #		DOB Age 40		Race W Sex F Relationship To Offender Resident Status Military Branch/Status							
	Home Address 30649 Wells Rd Wesley Chapel, FL 33545										Home Phone							
	Employer Name/Address Weightman Middle, 30649 Wells Rd (PRINCIPLE)										Business Phone 813-794-0200		Mobile Phone					
OTHERS INVOLVED	Type: INDIVIDUAL/ NOT LAW ENFORCEMENT Injury:																	
	Code IO		Name (Last, First, Middle) HETZLER-NETTLES, MARCY				Victim of Crime #		DOB Age		Race W Sex F Relationship To Offender Resident Status Military Branch/Status							
	Home Address 20325 Gator Ln Land O Lakes, FL 34638										Home Phone 813-794-2753							
	Employer Name/Address Pasco Co Schools (ASST. SUPERINTE)										Business Phone		Mobile Phone					
	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found ("OJ" = Recovered for Other Jurisdiction)																	
	VI #		Code		Status Frm/Tc		Value		OJ		QTY		Property Description		Make/Model		Serial Number	
	99		6				\$0.00				1		HS-9 SIG SAUER P320 S/N 58A188786		SIG SAUER/P320		58A188786	
	99		6				\$0.00				1		HS-5 BLK PLASTIC PIECES NEAR PIN 1					
	99		6				\$0.00				1		HS-6 APP PROJECTILE PIN 2					
	99		6				\$0.00				1		HS-7 HORNADY 9MM LUGER CASING AS RCVD FR					
99		6				\$0.00				1		HS-8 HORNADY 9MM LUGER ROUND- CHAMBER						
99		6				\$0.00				1		HS-10 MAGAZINE FROM FIREARM						
99		6				\$0.00				1		HS-11 16 HORNADY 9MM LUGER ROUNDS FROM M						
99		6				\$0.00				1		HS-12 BLK FIREARM HOLSTER AS RCVD FROM						
99		6				\$0.00				1		HS-13 ADDTL MAG 'A' AS RCVD FROM CPL CRO						
99		6				\$0.00				1		HS-14 17 HORNADY 9MM LUGER ROUNDS- ADD M						
99		6				\$0.00				1		HS-15 ADDTL MAG 'B' AS RCVD FROM CPL CRO						
99		6				\$0.00				1		HS-16 17 HORNADY 9MM LUGER ROUNDS- MAG B						
Officer/ID# HROMALIK, B. P. (CID, MAJ2) (4324)																		
Invest ID# HARRIS, T. L. (CID, MAJ5) (1744) Supervisor QUINLAN, D. T. (CID, MAJ3) (0704)																		
Status		Complainant Signature						Case Status Exceptionally Cleared 07/09/2019				Case Disposition:				Page 1		

Incident Report Additional Property List

Pasco Sheriff's Office

OCA: 19017921

Property List (Continued)

Page 2

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found

VI #	Code	Status Frm/To	Value	OJ	QTY	Property Description	Make/Model	Serial Number
15	99	6	\$0.00		1	HS-1 APP FRAGMENT PIN 1 SCALE 1A		
	99	6	\$0.00		1	HS-2 APP FRAGMENT PIN 1 SCALE 1B		
	99	6	\$0.00		1	HS-3 APP FRAGMENT PIN 1 SCALE 1C		
	99	6	\$0.00		1	HS-4 APP FRAGMENT PIN 1 SCALE 1D		
	35	6	\$0.00		1	1BH-CD OF TEWMS FOOTAGE		
	51	6	\$0.00		1	2BH-J. CROSS TDU PANTS		
20	35	6	\$0.00		1	3BH-TEWMS VIDEO FOOTAGE		
	35	6	\$0.00		1	4BH-CD OF TEWMS FOOTAGE A+B LUNCH		
	35	6	\$0.00		1	5BH-CD OF TEWMS VS CAM 7 LUNCH 4/29/19		
	35	6	\$0.00		1	6BH-CD OF TEWMS FOOTAGE ABC LUNCH 4/29		

Incident Report Additional Name List

Pasco Sheriff's Office

OCA: 19017921

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
1) WI 8	[REDACTED] Address [REDACTED] Emp/Addr Tewms		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	13	W	F
2) IO 3	DIENES, ANITA Address 30649 Wells Rd , Wesley Chapel, FL 33545- Emp/Addr Thomas E. Weightman Middle Sch		03/08/1973 H: 813-794-0200 B: 813-794-0200 Mobile #: - -	46	W	F
3) IO 4	FOTI, MARY BETH BETH Address 30649 Wells Rd , Wesley Chapel, FL 33545- Emp/Addr Pasco County School Board, 30649 Wells Rd		37 H: 315-778-4519 B: 813-794-0200 Mobile #: - -	37	W	F
4) WI 2	[REDACTED] Address [REDACTED] Emp/Addr Tewms		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	14	B	M
5) WI 7	[REDACTED] Address [REDACTED] Emp/Addr Tewms		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	13	W	F
6) WI 6	[REDACTED] Address [REDACTED] Emp/Addr Tewms		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	13	W	F
7) WI 1	[REDACTED] Address [REDACTED] Emp/Addr Weightman Middle School		W F H: - - B: [REDACTED] Mobile #: - -			
8) WI 3	[REDACTED] Address [REDACTED] Emp/Addr Tewms		[REDACTED] H: - - B: - - Mobile #: - -	14	W	M
9) WI 4	[REDACTED] Address [REDACTED] Emp/Addr Tewms		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	13	W	M

Incident Report Additional Name List

Pasco Sheriff's Office

OCA: 19017921

Additional Name List

Name Code/#	Name (Last, First, Middle)	Victim of Crime #	DOB	Age	Race	Sex
10) WI 5	[REDACTED] Address [REDACTED] Emp/Addr Tewms		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	14	W	F
11) WI 9	[REDACTED] Address [REDACTED] Emp/Addr Tewms Student		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	14	W	M
12) WI 10	[REDACTED] Address [REDACTED] Emp/Addr Pasco Stewms, 30649 Wells Rd		[REDACTED] H: [REDACTED] B: [REDACTED] Mobile #: - -	14	B	F
13) WI 11	[REDACTED] Address [REDACTED] Emp/Addr Tewms Student		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	13	W	F
14) WI 12	[REDACTED] Address [REDACTED] Emp/Addr Tewms Student		[REDACTED] H: [REDACTED] B: - - Mobile #: - -	14	W	F

INCIDENT/INVESTIGATION REPORT

Pasco Sheriff's Office

Case # 19-017921

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found						
D R U G S	UCR	Status	Quantity	Type Measure	Suspected Type	Up to 3 types of activity

Assisting Officers

Suspect Hate / Bias Motivated: None

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 19-017921

Pasco Sheriff's Office

NARRATIVE

Incident Report Suspect List

Pasco Sheriff's Office

OCA: 19-017921

1	Name (Last, First, Middle) CROSS, JONATHAN						Also Known As				Home Address NEW PORT RICHEY, FL																																					
	Business Address PASCO SHERIFF'S OFFICE SRO DEPUTY																																															
	DOB / /	Age	Race W	Sex M	Eth N	Hgt	Wgt	Hair	Eye	Skin	Driver's License / State.																																					
	Scars, Marks, Tattoos, or other distinguishing features																																															
<table border="1"> <tr> <td colspan="2">Reported Suspect Detail</td> <td colspan="2">Suspect Age</td> <td>Race</td> <td>Sex</td> <td>Eth</td> <td colspan="2">Height</td> <td colspan="2">Weight</td> <td>SSN</td> </tr> <tr> <td colspan="2">Weapon, Type</td> <td colspan="2">Feature</td> <td colspan="2">Make</td> <td colspan="2">Model</td> <td colspan="2">Color</td> <td>Caliber</td> <td>Dir of Travel</td> </tr> <tr> <td colspan="4">VehYr/Make/Model</td> <td>Drs</td> <td colspan="2">Style</td> <td colspan="2">Color</td> <td colspan="2">Lic/St</td> <td>VIN</td> </tr> </table>													Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN	Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel	VehYr/Make/Model				Drs	Style		Color		Lic/St		VIN
Reported Suspect Detail		Suspect Age		Race	Sex	Eth	Height		Weight		SSN																																					
Weapon, Type		Feature		Make		Model		Color		Caliber	Dir of Travel																																					
VehYr/Make/Model				Drs	Style		Color		Lic/St		VIN																																					
Notes						Physical Char																																										

Incident Report Related Property List

Pasco Sheriff's Office

OCA: 19-017921

1	Property Description HS-9 SIG SAUER P320 S/N 58A188786			Make SIG SAUER		Model P320		Caliber	
	Color	Serial No. 58A188786	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally			
	Status Evidence/seized	Date 05/01/2019	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

AS RCVD FROM CPL CROSS

2	Property Description HS-5 BLK PLASTIC PIECES NEAR PIN 1			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally			
	Status Evidence/seized	Date 05/01/2019	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

3	Property Description HS-6 APP PROJECTILE PIN 2			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally			
	Status Evidence/seized	Date 05/01/2019	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

4	Property Description HS-7 HORNADY 9MM LUGER CASING AS RCVD FR			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00	Qty 1.000	Unit	Jurisdiction Locally			
	Status Evidence/seized	Date 05/01/2019	NIC #	State #	Local #	OAN			
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

CPL CROSS

Incident Report Related Property List

Pasco Sheriff's Office

OCA: 19-017921

5		Property Description HS-8 HORNADY 9MM LUGER ROUND- CHAMBER WH		Make		Model		Caliber					
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally			
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #		OAN			
Name (Last, First, Middle) * No name *						DOB		Age		Race		Sex	

Notes

WHEN INITIALLY CLEARED AS RCVD FROM CPL CROSS

6		Property Description HS-10 MAGAZINE FROM FIREARM		Make		Model		Caliber					
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally			
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #		OAN			
Name (Last, First, Middle) * No name *						DOB		Age		Race		Sex	

Notes

7		Property Description HS-11 16 HORNADY 9MM LUGER ROUNDS FROM M		Make		Model		Caliber					
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally			
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #		OAN			
Name (Last, First, Middle) * No name *						DOB		Age		Race		Sex	

Notes

FROM MAGAZINE (HS-10)

8		Property Description HS-12 BLK FIREARM HOLSTER AS RCVD FROM		Make		Model		Caliber					
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally			
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #		OAN			
Name (Last, First, Middle) * No name *						DOB		Age		Race		Sex	

Notes

CPL CROSS

Incident Report Related Property List

Pasco Sheriff's Office

OCA: 19-017921

9	Property Description HS-13 ADDTL MAG 'A' AS RCVD FROM CPL CRO			Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

CROSS

10	Property Description HS-14 17 HORNADY 9MM LUGER ROUNDS- ADD M			Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

ADDL MAGAZINE 'A'

11	Property Description HS-15 ADDTL MAG 'B' AS RCVD FROM CPL CRO			Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

CROSS

12	Property Description HS-16 17 HORNADY 9MM LUGER ROUNDS- MAG B			Make		Model		Caliber	
Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #	
Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

Incident Report Related Property List

Pasco Sheriff's Office

OCA: 19-017921

13		Property Description HS-1 APP FRAGMENT PIN 1 SCALE 1A			Make		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally	
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race	
										Sex	

Notes

14		Property Description HS-2 APP FRAGMENT PIN 1 SCALE 1B			Make		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally	
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race	
										Sex	

Notes

15		Property Description HS-3 APP FRAGMENT PIN 1 SCALE 1C			Make		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally	
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race	
										Sex	

Notes

16		Property Description HS-4 APP FRAGMENT PIN 1 SCALE 1D			Make		Model		Caliber		
Color		Serial No.		Value \$0.00		Qty 1.000		Unit		Jurisdiction Locally	
Status Evidence/seized		Date 05/01/2019		NIC #		State #		Local #		OAN	
Name (Last, First, Middle) * No name *						DOB		Age		Race	
										Sex	

Notes

Incident Report Related Property List

Pasco Sheriff's Office

OCA: 19-017921

17	Property Description 1BH-CD OF TEWMS FOOTAGE			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence/seized	Date 04/30/2019	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

Item Status: Evidence

FCIC/NCIC Check Operator <> @ <> hours on <>/<>/<>

Notes: <>

18	Property Description 2BH-J. CROSS TDU PANTS			Make		Model		Caliber	
	Color Green	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence/seized	Date 05/01/2019	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

Item Status: evidence

FCIC/NCIC Check Operator <> @ <> hours on <>/<>/<>

Notes: <>

19	Property Description 3BH-TEWMS VIDEO FOOTAGE			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence/seized	Date 05/01/2019	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

Item Status: Evidence

FCIC/NCIC Check Operator <> @ <> hours on <>/<>/<>

Notes: <>

20	Property Description 4BH-CD OF TEWMS FOOTAGE A+B LUNCH			Make		Model		Caliber	
	Color	Serial No.	Value \$0.00		Qty 1.000	Unit	Jurisdiction Locally		
	Status Evidence/seized	Date 05/07/2019	NIC #	State #		Local #		OAN	
	Name (Last, First, Middle) * No name *			DOB		Age	Race	Sex	

Notes

Incident Report Related Property List

Pasco Sheriff's Office

OCA: 19-017921

21	Property Description 5BH-CD OF TEWMS VS CAM 7 LUNCH 4/29/19				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
	Status Evidence/seized		Date 05/07/2019		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

22	Property Description 6BH-CD OF TEWMS FOOTAGE ABC LUNCH 4/29				Make		Model		Caliber	
	Color		Serial No.		Value \$0.00		Qty 1.000		Unit	
	Status Evidence/seized		Date 05/07/2019		NIC #		State #		Local #	
	Name (Last, First, Middle) * No name *		DOB		Age		Race		Sex	

Notes

REPORTING OFFICER NARRATIVE*Pasco Sheriff's Office*

OCA

19-017921

Victim

JUVENILE

Offense

CULPABLE NEGLIGENCE- EXPOSURE TO

Date / Time Reported

Tue 04/30/2019 14:08

RELATED CASES: None

STAT DATA: None

BWC ACTIVATED: None

SUPPORT DOCUMENTS: None

On 04/30/2019 at approximately 1330 hours, Major Crimes District 2 was called out to Thomas E. Weightman Middle School to investigate the discharge of a firearm by an SRO deputy in the cafeteria during lunch. Major Crimes Detectives T.Harris, B. McGavock, and B. Hromalik responded to the scene to conduct an investigation. See the following supplements for additional information.

CASE SUPPLEMENTAL REPORT

Printed: 07/16/2019 15:32

*Pasco Sheriff's Office*OCA: **19017921**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EX CLEARED / PROSECUTION* **Occurred:****Offense:****Investigator:** *SIEVERS, H. (5355)***Date / Time:** *05/01/2019 10:40:38, Wednesday***Supervisor:** *MILLER, S. I. (1990)***Supervisor Review Date / Time:** *05/05/2019 14:56:40, Sunday***Contact:****Reference:** *Supplement Completed*

On Tuesday, April 30, 2019 at approximately 1350 hours, I received notification via Forensic Supervisor S. Miller that Forensics was requested to respond to Thomas E. Weighman Middle School in reference to a Sheriff's Office Investigation involving the discharge of a firearm. At 1354 hours, I responded to the aforementioned location regarding the call for service. Upon arrival, at 1430 hours, I met with Detective B. Hromalik (4324) who provided me pertinent information and directed me to the area of interest.

I was directed to the cafeteria located on the southeast side of the school grounds. On the south side of the cafeteria, I observed a room titled '07-707 SERVING AREA'. This room was rectangular in shape and consisted of a hallway approximately 5'11" wide funning west/east. Just west of the eastern entrance of this area, I observed pieces of black plastic on the ground. I also observed four (4) pieces of apparent bullet fragments, later identified by adhesive scales 1A-1D with Placement Identification Number (PIN) 1 referencing the area of the fragments. South of the walkway was a serving area which extended west. On the ground, just east of the end of the serving platform, I observed an apparent projectile, later marked by PIN 2. On the north and south partial walls just west of the eastern entrance, I observed apparent defects in the wall. Later identified, Scale A and Scale B were located on the north wall and Scale C was located on the south wall (see PIN/scale log below).

At approximately 1450 hours, I began taking digital photographs of the scene. It should be noted that I captured a total of one hundred and eight (108) photographs throughout the investigation at this time.

The apparent defects on the walls and items of evidence on the floor were marked utilizing Placement Identification Numbers (PIN) and/or Adhesive Scales and rectangular measurements were collected of the items of evidence utilizing the north and east wall of the room.

PIN/ Scale	Description/Location	Height	Distance N wall	Distance E Wall	Item
Scale 1A	Apparent fragment- floor N/A	2'1"	4'1"	HS-1	
Scale 1B	Apparent fragment-floor N/A	.5"	3'10"	HS-2	
Scale 1C	Apparent fragment-floor N/A	2"	1'8"	HS-3	
Scale 1D	Apparent fragment- floor N/A	2'6"	1'11"	HS-4	
Scale A	Defect on north wall 2'7"	N/A	1'11"	N/A	
Scale B	Defect on north wall 11"	N/A	1'10"	N/A	
Scale C	Defect on south wall 1'6"	N/A	1'11"	N/A	
PIN 2	Apparent projectile- floor N/A	5'1"	21'1"	HS-6	

I was advised that Corporal Cross (2659) was standing within one (1) foot of the doorway with his back leaning against the north wall per surveillance camera footage. The surveillance camera was located on the ceiling of the room approximately 16'6" away from the door (east wall) and approximately 15'6" away from where Corporal Cross was standing.

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 07/16/2019 15:32

Pasco Sheriff's Office

OCA: 19017921

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: EXCEPTIONALLY CLEARED **Case Mng Status:** EX CLEARED / PROSECUTION **Occurred:****Offense:**

The angles of the defects were documented as follows utilizing my agency-issued caliper:

Defect Scale	Width	Length	\sin^{-1} / Angle of Incident
A	.39mm	.69mm	34.42°
B	.59mm	2.33mm	14.67°
C	.25mm	.52mm	28.74°

Upon completion of documentation and collection of evidence within room 07-707, I was directed to Corporal Cross at which time I observed him to be wearing a black agency-issued polo bearing his first initial and last name (J.Cross) and a pair of agency-issued green BDU-style pants. I observed his duty belt to be located around his waist with his firearm located on his right hip within the holster. The cargo pocket on his outer right leg, just below the holster was completely torn down the seam closest to the rear of the pant leg with two distinguished apparent holes on the outer Velcro flap (Scale D) and the rear of the pant leg adjacent to the cargo pocket (Scale E). These were photographed in detail.

Corporal Cross then provided the following agency-issued materials for photograph and collection purposes:

- Hornady 9MM Luger casing ejected during the incident (HS-7)
- Hornady 9MM Luger round from chamber when initially cleared by Corporal Cross following incident (HS-8)
- Sig Sauer P320 (S/N: 58A188786) (Item HS-9)
- Magazine from Sig Sauer P320 (Item HS-10)
- 16 Hornady 9MM Luger rounds from magazine (Item HS-11)
- Black firearm holster (HS-12)
- Additional magazine 'A' from duty belt (HS-13)
- 17 Hornady 9MM Luger rounds from additional magazine 'A' (HS-14)
- Additional magazine 'B' from duty belt (HS-15)
- 17 Hornady 9MM Luger rounds from additional magazine 'B' (HS-16)

Upon completion, I cleared the scene at 1556 hours and responded back to the Forensic Services Section. The photographs were uploaded to Evidence.com. The items of evidence were submitted to the Property and Evidence Lockers within the Forensic Services Section. I took no further action at this time.

As typed by:

HMS

ICR: 1.5 hours

Investigator Signature

Supervisor Signature

.F.

CASE SUPPLEMENTAL REPORT

Printed: 07/16/2019 15:32

*Pasco Sheriff's Office*OCA: **19017921**

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EX CLEARED / PROSECUTION* **Occurred:****Offense:****Investigator:** *BARLOW, J. (4331)***Date / Time:** *05/02/2019 10:32:51, Thursday***Supervisor:** *QUINLAN, D. T. (0704)***Supervisor Review Date / Time:** *05/07/2019 14:02:09, Tuesday***Contact:****Reference:** *Supplement Completed***SUPPORT DOCUMENTS:** None.

On Tuesday, March 30, 2019 at approximately 1330 hours, I was notified by Chief McDonald of an incident where a deputy's pistol had discharged. I contacted Detective Jay Scott. He told me the Weightman Middle School Resource Officer's pistol had discharged and the firearm and holster would be taken as evidence. I retrieved a replacement pistol, magazines and ammunition from the armory and I acquired a holster from Agency Services. I arrived at Thomas E. Weightman Middle School at approximately 1500 hours and met with Detective Scott and Detectives McGavock and Harris (Major Crimes.) I met with SRO Deputy Jonathan Cross and issued him a Sig Sauer P320 9mm pistol, three magazines, 52 rounds of 9mm duty ammunition, and a Safariland 6360 holster.

On Thursday, May 2, 2019 at approximately 0930 hours, I conducted an inspection of SRO Corporal Cross's issued Sig Sauer P320 9mm pistol (serial number 58A188786) and issued Safariland 6360 holster at the PSO Property Section. During the inspection of the pistol, I disassembled the firearm and removed the trigger assembly. I found no defects (no broken, worn or missing parts.) I conducted a function test of the trigger assembly, the firing pin, and internal safety mechanisms and all parts performed correctly. Upon reassembly of the firearm, I conducted another function test and the pistol performed properly. I conducted an inspection of the holster and found no defects of the retention devices in the holster. I conducted a function test of the holster using another Sig Sauer P320 pistol and all retention devices performed properly. I was unable to remove the pistol from the holster unless the retention devices were manually disengaged. I am a certified Sig Sauer P320 pistol armorer.

On Friday, May 3, 2019 at approximately 1230 hours, I conducted a subsequent inspection of the firearm in this case and photographs were taken of the disassembled pistol. Those photographs were uploaded to the evidence.com server. No further action

ICR: 2 hr X \$26.00 = \$56.00.

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EX CLEARED / PROSECUTION* **Occurred:****Offense:****Investigator:** *HROMALIK, B. P. (4324)***Date / Time:** *05/07/2019 10:51:01, Tuesday***Supervisor:** *QUINLAN, D. T. (0704)***Supervisor Review Date / Time:** *05/07/2019 12:47:29, Tuesday***Contact:****Reference:** *Supplement Completed***RELATED CASE:** None**STAT DATA:** None**BWC ACTIVATED:** None**SUPPORT DOCUMENTS:** None

On 04/30/2019, I was called out by Major Crimes Sgt. Quinlan to respond out to Thomas E. Weightman Middle School, located at 30649 Wells Rd, for an incident that occurred in the cafeteria during one of the lunch assemblies. I was notified SRO J. Cross's firearm was discharged in the lunch line. I arrived at the school at 1408 hours and met up with Detective T. Harris and B. McGavock. I responded to the cafeteria where the incident occurred. Upon arrival at the cafeteria, contact was made with SRO J. Cross and SRO Sgt. J. Dill.

SRO J. Cross explained how his gun discharged into the wall of the cafeteria line behind where he was standing. SRO Cross relayed he was flicking the bail of his holster forward and back while he was standing by the doorway of the cafeteria line. SRO Cross said he had to lean forward to look out of the doorway to let the next set of kids know they could enter the line. SRO Cross advised as he bent forward, his agency issued Sig Sauer P320 discharged one time while it was in his holster. SRO Cross said the bottom of his holster blew out and he pointed out the black pieces of plastic on the floor of the line as pieces of his holster. SRO Cross could not recall if he disengaged the release to un-holster the firearm at any point.

SRO Cross demonstrated what occurred in the cafeteria line and walked us through the scene. SRO Cross had the fired shell casing in his pocket along with the following unfired round that would have chambered in the firearm. SRO Cross indicated the spent casing was trapped in the holster between the firearm and shell of the holster. SRO Sgt. J. Dill indicated the story SRO Cross provided was consistent with the story Cross provided him over the phone and in person. See supplements for more detailed interviews with the above mentioned parties.

I observed two points of contact on the wall SRO Cross was leaning against where the bullet struck the wall. There were several black, plastic pieces of the holster scattered on the ground. The bullet was observed on the ground near a set of double doors that exited towards the main area of the cafeteria south of where the firearm went off. See Forensics supplement for accurate measurement/ distance of bullet from point of impact. SRO Cross's right side knee pocket had a bullet hole through the top cover of the pocket and the remaining pocket had been torn by the impact of the bullet. I took photos of the crime scene with my agency issued phone which I later uploaded to evidence.com.

I stayed at the scene while Detective McGavock and Detective Harris reviewed video surveillance of the incident. Forensic Investigator H. Sievers arrived at the scene at 1430 hours to take photos and make measurements of the crime scene. After Forensics memorialized the scene, SRO Cross was photographed along with his duty belt, firearm, and uniform. SRO Cross had downloaded his firearm so that Forensics could photograph it. SRO Cross's firearm was still loaded with 15 rounds in the magazine and one round in the chamber. SRO Cross had one unfired round and one spent shell casing in his pocket. SRO Cross's other two magazines each contained 17 rounds.

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After Cpl. Barlow switched out SRO Cross's firearm with a new firearm and ammunition, I followed SRO Cross to his residence as he did not have any spare pants with him to change. SRO Cross provided me his uniform TDU pants which I later placed into evidence via a property voucher.

I responded back to Thomas E. Weightman to debrief with Detective Harris and Detective McGavock. I was later instructed to get in contact with Lt. T. Ferguson who was working on getting copies of the video surveillance from the school board. Lt. Ferguson advised the video was being put on discs by John Boucher and should be available for pickup from building 1 on the campus of Land O' Lakes high school behind the main administration building. At 1736 hours, I retrieved the video from John and later placed it into evidence via a property voucher. I provided copies of the video to Detective Harris.

On 05/01/2019 at 0730 hours, I responded to Thomas E. Weightman to assist Detective Harris with interviews of the students seen in the lunch line on the video surveillance. The principal, Rachel Fowler, provided Anita Dienes (Discipline/student support) and Marybeth Foti (school counselor) to assist with trying to identify students from the video surveillance. With their assistance, the following kids were identified from the video: [REDACTED]

Due to the students taking state tests in the morning, interviews were not conducted until around 1300 hours after they were done. I then conducted the following interviews:

Interview: [REDACTED]

[REDACTED] advised he was in the cafeteria line with his friends [REDACTED] and [REDACTED]. [REDACTED] could not recall who else was in line with him. [REDACTED] said he heard a loud pop and had to turn around to see what happened. [REDACTED] stated he turned towards Cpl. Cross who was holding his ears and saying "awwww!!" [REDACTED] told me the firearm was still in Cpl. Cross's holster and he did not see him remove it from the holster. [REDACTED] said Cpl. Cross then started looking for the "shell" and was advising everybody to exit the cafeteria line. [REDACTED] relayed he had not seen the gun go off or observe Cpl. Cross playing with his gun prior to the shot going off. [REDACTED] told me he has seen Cpl. Cross play with his gun in the past by moving it up and down in the holster. [REDACTED] said he never fully removed the gun from the holster but would manipulate the firearm up and down while the barrel was still encased in the holster. [REDACTED] advised he last saw Cpl. Cross do this last week during lunch. [REDACTED] told me he has seen Cpl. Cross play with his firearm in this manner on two separate occasions.

Interview: [REDACTED]

[REDACTED] advised she was in the cafeteria line when she heard the gun go off behind her. [REDACTED] said she first thought that someone had dropped their tray. [REDACTED] noticed the lunch lady who was standing in front of her duck down as the gunshot went off. [REDACTED] said she turned around and noticed the wall which appeared to have been struck by a bullet. [REDACTED] told me Cpl. Cross was looking at his gun trying to figure out what happened. [REDACTED] observed the firearm still in Cpl. Cross's holster. [REDACTED] said Cpl. Cross then was telling everybody to leave the cafeteria line. [REDACTED] said she was not paying attention to Cpl. Cross as she walked in line of the cafeteria and could not relay if Cpl. Cross was playing with his firearm at any point prior to it discharging a round.

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[REDACTED] stated she was called to get in the cafeteria line by Cpl. Cross prior to entering the serving area. [REDACTED] recalled Cpl. Cross playing on his phone when she went in and did not see him playing with his firearm. [REDACTED] said she heard a loud popping noise and noticed the lunch lady duck down in front of her behind the serving counter. [REDACTED] turned to see powder and dust on the floor where the bullet struck the wall. [REDACTED] told me she felt the wind of something brushing by her right foot when the gun shot happened. [REDACTED] did not sustain any injury. [REDACTED] said Cpl. Cross and lunch staff were telling everybody to exit the serving area after the shot. [REDACTED] never saw Cpl. Cross's gun outside of the holster and did not see him play with his firearm at any time. [REDACTED] recalled being with her friends [REDACTED] and [REDACTED] in line at the time.

Interview: [REDACTED]

[REDACTED] said she was in line about to head to the registers when she heard a loud popping sound which she initially thought was someone crushing a chip bag to make it pop. [REDACTED] turned towards the noise and noticed the bullet had hit the wall and ricocheted off the tile trim based on the damage to the wall. [REDACTED] said Cpl. Cross's gun was still in his holster and she did not see him play with it before or after the shot went off. [REDACTED] told me Cpl. Cross was looking down at the floor when she turned around. [REDACTED] said everyone was rushed out of the cafeteria line by Cpl. Cross and lunch staff. [REDACTED] then saw Cpl. Cross make a phone call on his phone. [REDACTED] told me she heard the gun holster was shot through. [REDACTED] had no other information to provide.

The above interviews were audio recorded via my agency issued audio recorder and uploaded to evidence.com. The above interviews are not verbatim of the recorded interviews.

After conducting the above interviews, I was asked to obtain the video surveillance from the previous lunches (A+B) on 4/30/19, footage outside of the hallway on 4/30/19 around the time of the incident, as well as any footage of the lunches (A+B+C) on 4/29/2019. I contacted John Boucher to have the videos saved to a disc so they could be placed into evidence. John was able to provide me with the video for the footage outside of the hallway on 4/30/19 which I placed into evidence. I provided a copy to Detective Harris.

On 05/02/2019, John provided me video for the previous lunches (A+B) from 04/30/2019 and video of all the lunches (A+B+C) on 04/29/2019 from camera #7 which were placed into evidence. On 05/06/2019, John provided me video for all the lunches (A+B+C) on 4/29/2019 from camera #10 which was placed into evidence. Copies were provided to Detective Harris.

This concludes my involvement in this case.

ICR: 8 X \$26= \$208

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CASE SUPPLEMENTAL REPORT

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EX CLEARED / PROSECUTION* **Occurred:****Offense:****Investigator:** *MCGAVOCK, B. (4226)***Date / Time:** *05/07/2019 13:13:00, Tuesday***Supervisor:** *QUINLAN, D. T. (0704)***Supervisor Review Date / Time:** *05/07/2019 13:53:16, Tuesday***Contact:****Reference:** *Supplement Completed***STAT DATA:** None.**CASE STATUS:** Pending/Active.**SAO INVESTIGATION DATE:** N/A.**SUPPORT DOCUMENTS:** None.**RELATED CASE(S):** None.**INVESTIGATION:**

On April 30, 2019, at approximately 1415 hours, I arrived at Weightman Middle School (30649 Wells Road, Wesley Chapel) to assist Detective Timothy Harris with an investigation into the School Resource Officer's (SRO) pistol firing in the cafeteria. Upon arrival, Detective Harris, Detective Bryan Hromalik and I were provided with a walk-through of the school's cafeteria area (Building 700) by SRO Corporal Jonathan Cross. Corporal Cross explained he was standing in the hallway in which students purchase/receive their school lunch. Corporal Cross said his pistol fired while in the holster and struck the wall, pointing to a spot on the wall where apparent fresh damage to the drywall had occurred, as evidenced by dry wall pieces/powder just under the damage, on the floor.

After completing the walkthrough and at my request, Corporal Cross showed me to his office within the school and accessed the video surveillance of the cafeteria. Corporal Cross estimated the incident occurred at approximately 1240 hours. After showing me how to access the surveillance footage, Corporal Cross left the office and was not present during my review of the surveillance footage. Corporal Cross even made statements to the effect of not wanting to watch the video, so he does not hinder the investigation.

I began reviewing the surveillance and noted the current date and time when I started watching the video was April 30, 2019, at 1514 hours (EST); while the surveillance showed a live date and time of April 30, 2019, at 1413 hours (GMT). Therefore, the surveillance system showed the correct date, but the time showing on the surveillance footage was approximately one hour and one minutes behind the actual time. The times mentioned in the following summary of events will be expressed in the time shown on the surveillance footage timestamp.

In reviewing the surveillance system, I was able to find two camera views that were able to capture Corporal Cross' pistol fire. To note, Corporal Cross was standing in the northwest corner of the hallway directing students into the lunch line. Camera 10 was above Corporal Cross' head and pointed west. Camera 7 pointed north, along the lunch line and viewed Corporal Cross' pistol side (his right).

In reviewing Camera 10, I observed Corporal Cross standing against the west wall of the hallway and appeared to be directing children through the line. At 1139 hours, Corporal Cross' right hand moves to his pistol and he rests his hand on the pistol. At 1139:37 hours, Corporal Cross appears to wrap his hand around the pistol's grip and pull the pistol upward and slightly out of the holster before his hand moves downward and the pistol fired from the holster, and into

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Offense:

the wall and floor. Corporal cross reacted by covering his ears and waived his hands in a motion that appeared he was telling the students to leave the area. I was unable to access any sound on the footage to hear what was said by Corporal Cross.

In reviewing Camera 10, I could only observe Corporal Cross' right side from about his right mid-clavicle line south (to his right/pistol side). Corporal Cross' right side moves in and out of the cameras view as he moves/rocks back and forth. At 1139 hours, I observed Corporal Cross' right hand move to his firearm and eventually pull the pistol upward and slightly out of the holster. Corporal Cross' right hand then moved downward with the pistol and the pistol can be seen firing, as evidenced by a piece of the holster that appeared on the floor. Once the pistol fires, Corporal Cross' right hand comes off of the pistol and he covers his ears and then waives his hands. Approximately eleven students were in the line when the firearm discharged and none of them were looking in Corporal Cross' direction when the pistol fired.

The above is a summary of the video surveillance and will be further explained by Detective Harris within his report. I was unable to extract the video on site and I was informed by Lieutenant Troy Ferguson that the School Board District Office is the only entity authorized to extract video surveillance. Lieutenant Ferguson made arrangements to have the video extracted by the school district. The video surveillance was later collected by Detective Hromalik.

I relayed the information I had learned to Detective Harris and showed him the video on scene. I took no further action on scene and did not participate in any latent investigation.

BRM

May 2, 2019

ICR: 3.0 Hours X \$26.00 = \$78.00

Investigator Signature

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CASE SUPPLEMENTAL REPORT

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EX CLEARED / PROSECUTION* **Occurred:****Offense:****Investigator:** *HARRIS, T. L. (1744)***Date / Time:** *05/08/2019 15:37:54, Wednesday***Supervisor:** *QUINLAN, D. T. (0704)***Supervisor Review Date / Time:** *05/08/2019 15:44:43, Wednesday***Contact:****Reference:** *Supplement Completed*

On Tuesday, 4-30-19 and while on call, I was contacted by District II, Major Crimes Sergeant, D. Quinlan who advised of this incident and asked that I respond to investigate. According to Quinlan, he had been advised School Resource Officer, SRO, Deputy J. Cross was inside the lunch/cafeteria when for unknown reasons his agency handgun fired while in the holster. I was told there was video surveillance cameras inside the cafeteria area where the incident occurred.

Upon my arrival at the school, I met with Detectives B. Hromalik and B. McGavock who had been tasked with assisting in this investigation. I asked Detective Hromalik to secure and with the assistance of our Forensic's Unit process, photograph and collect any potential evidence. I asked Detective McGavock to research and secure any video of the incident which may have been captured on surveillance video systems.

Detectives Hromalik, McGavock and I then met with School Resource Officer, Sergeant J.Dill and SRO Cross who were in the cafeteria area where the incident occurred. I spoke briefly with Sgt Dill who told me earlier he had been contacted by SRO Cross via agency cell phone who told him his agency firearm had discharged/fired a round while he, Cross was performing his duties inside the school cafeteria. Sgt Dill said at the time he asked Cross how that happened and he told him he did not know saying he was just leaning against the wall and the firearm fired. Dill said he then drove to the school from where he was and had arrived shortly before I had.

SRO Cross was at this time, standing in the doorway of the area of the cafeteria leading into the kitchen area where the students obtain/retrieve their food items and the walk out of the room to the payment area. This was the area where the incident occurred and SRO Cross began explaining and demonstrated to us the duties he was performing at the time the incident occurred. According to Cross, he most days during lunch stands in this same area which he described could become a "bottle neck" of students if their entry into the room is not controlled by him or someone else. SRO Cross said he was "leaning" against the wall just inside the entry door into the room and had just stepped up into the doorway to stop the line of students from entering the room to prevent the jam he referred to earlier.

SRO Cross said as he moved from the door to allow more students to now enter the room, he leaned back against the wall where he was standing before and his agency firearm discharged inside the holster. I asked SRO Cross if his right hand was anywhere near the firearm before or when it went off and he said he had been moving/clicking the safety bail/strap on top of the holstered firearm forward and back but could not recall if he disengaged the mechanism to unsecure the firearm from the holster at any time. I did not immediately see a spent shell casing on the floor and at the same time SRO Cross began explaining how "oddly" when he looked down at his firearm after it discharged he saw that the spent shell casing was trapped in the holster between the front inside of the holster and the weapon which he described was at the time seated "loosely" inside the holster.

SRO Cross went on to explain that after he began to realize it was in fact his firearm that had fired and he noticed the cartridge casing inside the holster he then lifted the firearm from the holster. Cross explained after visually seeing the spent casing he removed the magazine and then locked the slide to the rear. Cross said when he did this, a complete unfired bullet ejected from the firearm into his hand. Cross then removed from his pants pocket the spent shell casing

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and the complete bullet and handed them to Detective McGavock. While doing this, SRO Cross showed us the right cargo pocket of his pants which had been damaged by the fired projectile. Cross also explained to me that he had what he referred to as a "habit" of moving the holster shroud or safety bail forward and back while standing around. Cross further explained this was a habit and said he had did it for almost as long as he has had this specific holster.

I then looked closer at the area where the projectile struck the wall behind where Cross was standing and noted the apparent path of the projectile was in a downward motion then ricochets of this wall and the wall just a few feet in front of Cross. A fragmented projectile is later located on the floor of the room several feet from where cross was standing.

For a more in depth explanation and description of the scene please refer to supplemental narratives to this report documenting actions taken by Detective Hromalik and Forensic Investigator, (FI), H Sievers.

I next asked Sergeant Dill if and he said to his knowledge the surveillance cameras inside the cafeteria area were functioning and operational. At my request, SRO Cross walked with Detective McGavock to Cross's office to assist him with accessing and viewing the video surveillance footage. I arrived at the office a short time later and met SRO Cross who was leaving from the office. I told Cross I would be just a few minutes and then would sit down and talk with him more. Cross agreed and said he would wait for me back in the cafeteria area.

I then went into the office where Detective McGavock was accessing the video using SRO Cross's desktop computer. Detective McGavock had located the area of footage on (Camera #10) exactly when the firearm had fired and showed it to me.

(It should be noted two cameras inside the room recorded footage, Camera #10 and Camara #7 and both cameras are located on the ceiling. Camera #10 view is from across the room and is the only angle that records Cross's right side and his hand and holster. Camera #7 view is directly above SRO Cross who is not in complete view of the camera. The cameras do not record audio.)

Upon briefly reviewing the video footage of Camera #10, I observed SRO Cross standing to the left of the doorway entering the room to the north and he appears to as he had said been directing certain numbers of students at a time to enter the room through the doorway.

At one point, SRO Cross steps up into the doorway and stops the students entering the room briefly and then allows them to proceed. As these students are entering the room, SRO Cross steps backwards and then leans his backside against the wall in the position he was earlier. SRO Cross then moves his right hand up on to the top of his firearm on his right hip and appears to rest his hand briefly on it. SRO Cross then appears to grasp the pistol grip and pull the pistol upward slightly then back down into the holster and at that moment the firearm fired. SRO Cross immediately reacts to this and covers his ears then begins motioning all of the students in the room to leave out the opposite door.

For additional information and a more in depth explanation of the available and obtained video surveillance footage please refer to Detective McGavock's supplemental narrative to this report.

After viewing the video, I then walked back to the cafeteria area and met with SRO Cross in a teacher's breakroom adjacent to the cafeteria. SRO cross agreed to talk with me and said he had no reason not to explain what occurred. With that Cross began explaining again how his duties inside the lunch room area were routine and said he almost always is in the same position. I began recording my conversation with SRO Cross at about 1453hrs, and just moments

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later I received a telephone call from Sergeant Quinlan so I stopped the recording. Moments later I began talking with SRO Cross again. The following is a summary of the conversation with SRO Cross and is NOT a word for word transcript.

INTERVIEW: SRO CROSS

SRO Cross continued explaining where and why he was standing where he was and described he was leaning against the wall. Cross said "I kinda leaned forward a little bit, looked to my left exactly how far I leaned I don't know, but that's when it happened." Cross said he heard a "loud bang" and didn't know what was going on. Cross said as he quickly looked around the room he noticed there was white smoke and said he realized it was from the drywall behind him and at the same time saw his pants were ripped. Cross said, "that's when I realized oh crap, my gun went off and I wondered how did that happen." Cross said his first instinct was to access if anyone was hurt and explained he did note there were no students directly near him but said he was obviously concerned about a ricochet.

Cross said after his immediate assessment revealed no one to his knowledge was hurt he then removed his firearm from the holster. Cross said, "I took my weapon out and it was already a half way or quarter of the way, I can't remember the exact time but I saw that it um the casing was inside the holster." Cross went on to say, "So I took it out, I unloaded it cause I didn't know what was wrong I could have malfunctioned or something I didn't know." Cross said, "there was a round chambered so obviously it went back and chambered a round. I then put the two rounds in my pocket, re-loaded the weapon. At first my thought was should I leave it unloaded then I'm thinking I'm the only SRO here I understand this was an incident but what if something happens afterwards so I said Ok I'm here now let me just reload it put it back in my holster then I started directing people sealed this off, closed the al a cart line and then called my sergeant right after that." Cross said he checked himself for injury and didn't feel anything realizing again just his pant pocket had been damaged.

I then asked Cross to talk specifically about the gun itself in the holster. I reminded Cross he had told me earlier he had nervously or as habit messed with the safety bail or safety strap by moving it forward and back and he explained again it was a habit and said he did it so much he did not even think about it. Cross then said, "this is the part I don't understand my finger never went in the trigger well, it never went in there. I never actually thought pull the trigger I didn't do anything like that." Cross went on saying, "I remembered I did that a couple of times" while motioning as though he was moving the safety bail forward and back with his hand and said that is when the gun fired.

I asked SRO Cross about the nervous motion or "habit" as he described of his moving the safety bail/strap of the holster forward and back and he confirmed it was a habit he has had for years. Cross said, "It's a bad habit I used to do it when I was like in patrol it's like the new ones it's just muscle memory to keep muscle memory going." I then asked Cross if during this habitual activity of moving the safety bail/strap forward and back repeatedly does he ever lift the firearm up and drop it quickly without actually drawing the firearm from the holster. Cross replied saying, "Sometimes but I don't do it, I do it sometimes but don't do it around kids or anyone else around." Cross said "Usually I do it like when I'm home when I put it in I make sure it seats right if I drop it in a push it in and put it back." Cross then explained he never takes his firearm out for any reason unless he has to in a defensive situation.

I asked SRO Cross to tell me about his agency firearms safety and security at his home and he described when he gets home from work, he removes his agency firearm and Taser from his belt and secures them both [REDACTED]

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I then asked SRO Cross to show to me some keys Sergeant Dill had mentioned earlier that he carries on his duty belt and he stood and showed them to me. The keys were several and were on a key hook immediately in front of his agency firearm holster on his right side. I asked Cross if these keys normally hang straight down from the hook and he described they mostly do so but also moved them forward and back and confirmed sometimes the keys flip up to the rear over his firearm. I asked Cross if he noticed where the keys were actually hanging today and at the time of the incident and he said he did not. I then asked Cross if it was "possible" that he slightly lifted the firearm and his thumb or finger touched the trigger and he replied saying, "No." Cross said, "The reason I say that is with 100% authority, when I take it out of the holster, I just want to show you I have my finger, you see where my finger is right, I know where it's at. I know exactly where it's at and being military and doing this job, my third one, it's been grained you don't put your finger on the trigger unless you are ready to do what, shoot." I told Cross I understood but again asked him if during his habitual movement of the safety bail would he ever lift the firearm slightly and release it and he said again he did not do that. Cross then explained how over the years he has used and carried different agency handguns and holsters and explained again that the movement of the safety bail by clicking forward and back was pure habit and "muscle memory" training so it was easier for him if he ever had to draw in a situation.

I then spoke with SRO Cross about the students and possible faculty who were inside the lunch room at the time and he said he did not recall exactly how many were in the room but said there were several. Cross explained again after the shot went off he assessed the situation and then immediately called Sergeant Dill and told him his gun had gone off and he didn't know why.

I asked Cross if there was anything that I had not asked or that we had not talked about that he felt was important and he said he was "telling me everything he had." I explained to Cross that the obvious explanation of what happened could be explained by him possibly lifting the gun up and releasing it and something, a finger, a thumb or a key even getting into the trigger and causing the weapon to fire. Cross said, "I don't know because I know like your right I don't know that part. That's the part I don't know. If I knew I would tell you. I don't know because I don't pull it out."

The conversation with SRO Cross ended at about 1510hrs and was recorded on digital audio.

INVESTIGATION CONTINUED:

After talking with SRO Cross, I returned to the cafeteria area and met with Detective McGavock and Hromalik and discussed actions taken by them in my absence. Detective McGavock advised he was at the time making arrangements with the school district personnel to obtain original video footage for evidentiary purposes. Detective Hromalik was still assisting FI Seivers with the processing photographing and documenting the scene. I asked Detective Hromalik to ensure SRO Cross was photographed along with his duty belt, firearm and uniform items.

I then met briefly with Training Corporal J. Barlow who had responded to the school to facilitate the taking and securing of the firearm involved and also to re-equip SRO Cross with items needed to be duty ready.

It was later determined Detective Hromalik would later this day, meet with John Boucher and obtain the video footage described above.

On 5-1-19 at about 0730hrs., I and Detective Hromalik met at Thomas E. Weightman school to conduct interviews with the students seen in the surveillance video in the lunch line and near to SRO Cross. With the assistance of school administrators and teachers, these students were identified as [REDACTED]

School Staff contacted each of the student's parents and told them the students were going to be interviewed by

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detectives.

Due to in school FSA Testing the interviews with the students were delayed until after lunch in an effort to not distract the students from the testing process. Detective Hromalik and I divided the interview duties and described below are the students I interviewed. For information relative to Detective Hromalik's interviews please refer to his supplemental narrative to this report. All interviews listed below are summaries of the interview and not word for word transcripts. It should be noted students interviewed refer to SRO Cross as "Corporal."

At about 1310hrs., I met with and interviewed [REDACTED]

INTERVIEW: [REDACTED]

I asked [REDACTED] to explain in his own words what he had witnessed occurred in the cafeteria. [REDACTED] said he had walked into the food area of the cafeteria and was waiting when he heard a "loud pop." [REDACTED] said at first he thought the noise was another student bursting a potato chips bag which according to him happens frequently. [REDACTED] said he then looked around and realized the sound had come from the Corporal's gun going off. [REDACTED] pointed out he was not looking at the corporal's direction when the incident happened. [REDACTED] said he then took his food tray and left the room into the larger cafeteria area to eat. I asked [REDACTED] if he could name any other students standing near him and he named [REDACTED] as the only person he knew personally. I thanked [REDACTED] for talking with me and the interview ended.

INTERVIEW: [REDACTED]

[REDACTED] said he really could not provide much information as he was not even aware what had happened until it was over. I asked [REDACTED] to explain in his own words what he had witnessed occurred in the cafeteria. [REDACTED] said he had just walked into the food dispensary area and was getting some food when he heard a loud pop and he also said he thought the cause of the sound was a bag of chips being popped. [REDACTED] said he did not know what happened but had heard since that the Corporal was leaning against the wall and his gun went off. I asked [REDACTED] if he could name any other students standing near him and he named [REDACTED] and [REDACTED]. I thanked [REDACTED] for talking with me and the interview ended.

INTERVIEW: [REDACTED]

[REDACTED] said likewise he really could not provide much information as he was not even aware what had happened until it was over. I asked [REDACTED] to explain in his own words what he had witnessed occurred in the cafeteria. [REDACTED] said he and other students had just walked into the food dispensary area and was getting some food when he heard a loud bang. [REDACTED] said he initially thought something exploded in the kitchen but said he then noticed some "white stuff" around the corporal and his pants were ripped. [REDACTED] said by the Corporal's reaction it involved him but said he did not know what happened. I thanked [REDACTED] for talking with me and the interview ended.

INTERVIEW: [REDACTED]

[REDACTED] said just as she and others entered the lunch room they were getting their food and she was surprised in the lunch line by a loud popping noise. [REDACTED] explained she initially thought the sound was a large chip bag being popped by someone but then looked over and saw Corporal Cross's reaction and he began telling everyone to leave the room. [REDACTED] said she then walked out of the room and ate her lunch with friends. I asked [REDACTED] if she could name any other students standing near her and she named [REDACTED]. [REDACTED] said she did not know

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the last three last names. I thanked [REDACTED] for talking with me and the interview ended.

INTERVIEW: [REDACTED]

[REDACTED] said she and others had just entered the lunch room when SRO Cross allowed them to and were getting their food when they heard a bang. [REDACTED] said she first thought something had happened inside the kitchen area but then realized Corporal's gun had gone off. I asked [REDACTED] if she had since heard what happened and she said there was "rumors saying the wall had been shot. [REDACTED] said her friend had told her she saw a bullet between her feet and [REDACTED] she did feel "something" by her ankle but said she didn't know what it was. I asked [REDACTED] if she could name friends with her and she gave the names of [REDACTED] I thanked [REDACTED] for talking with me and the interview ended.

INTERVIEW: [REDACTED]

[REDACTED] said she was not inside the lunch room when the incident happened explaining she had sat down at a table out in the cafeteria area. [REDACTED] said she heard a loud bang and then later heard the Corporal's gun went off. I thanked [REDACTED] for talking with me and the interview ended.

INTERVIEW: [REDACTED]

[REDACTED] provided a more detailed explanation of the event in her own words and provided her own description of how the bullet from Corporal's gun had probably traveled and how what she believed to be metal ended up between her feet. [REDACTED] said the noise she heard sounded like a pan popping in the kitchen but then she noticed the white dust around the Corporal and that he was now motioning for people to leave the room. [REDACTED] said the sound was very loud and said the Corporal's hands weren't anywhere near his gun when it went off. [REDACTED] said she is used to the sound of guns from living in New York and said it did not scare her but said she was worried more about her friends. [REDACTED] said afterwards they got together and left the room. I thanked [REDACTED] for talking with me and the interview ended.

INVESTIGATION CONTINUED:

Following the interviews with students, it was determined and arranged for Detective Hromalik to meet again with John Boucher and obtain additional video surveillance footage from Lunch A and B and lunch A, B, and C from the previous day to include a camera angle outside the lunch room.

On 5-1-19, I spoke with Holmes Beach Police Department Chief, Bill Tokajer after learning that department had an incident involving the same firearm and the same holsters as the one worn and possessed by SRO Cross but under different circumstances. I talked with Bill about the circumstances of that incident and he advised their investigation revealed the firearm had not malfunctioned in any way. Bill said in fact they learned from the investigation that a key on the zipper of a bag carried at the time by their officer manipulated the trigger and caused the weapon to fire while secured in the holster by both safety mechanisms.

Bill advised from their investigation they also learned through testing and situation simulation that the firearm in question if for whatever reason was fired while secured in the holster the slide action would not be permitted to function properly. Bill said the firearm after firing would not action properly and load another projectile into the chamber because the fired round would not eject properly. Bill said likewise their investigation revealed if the firearm was not

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secured in the holster and for whatever reason was fired, the slide action would function or partially function and would eject the spent casing. I thanked Bill for his insight and information and the conversation ended.

On 5-2-19 all the available surveillance video surveillance was reviewed and documented. Likewise at my request Corporal J. Barlow retrieved the firearm from property evidence and completed a complete and thorough inspection of the firearm and of the holster. Corporal Barlow advised he did not note any mechanical or operational issues with the firearm and or the holster and neither were damaged in any way. For a more complete explanation of the actions taken by Barlow please refer to his supplemental narrative to this report.

INVESTIGATIVE SUMMARY:

With the information and evidence available this investigation is being referred to the Dade City State Attorney's Office for their review. A live invest with ASA M. Garcia is set for 5-8-2019. Any further investigative actions will be documented on a later date.

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Case Status: *EXCEPTIONALLY CLEARED* **Case Mng Status:** *EX CLEARED / PROSECUTION* **Occurred:****Offense:****Investigator:** *HARRIS, T. L. (1744)***Date / Time:** *05/13/2019 10:00:31, Monday***Supervisor:** *QUINLAN, D. T. (0704)***Supervisor Review Date / Time:** *05/13/2019 11:04:30, Monday***Contact:****Reference:** *Supplement Completed*

On 5-1-19 while continuing investigation into this incident, I made telephone contact with SIG SAUER certified dealer, Tom Sabo and ascertained his knowledge of any situations wherein a Sig Sauer P320 9mm had inadvertently fired without the trigger being pulled and he said he was aware of none. Tom did advise he was aware of an incident which occurred involving an officer with the Holmes Beach Police Department, HBPD, and the alleged discharge of the same Sig Sauer P320 9mm handgun and he believed the same Safariland 6360 holster used by Pasco Sheriff Deputies. Tom provided me with the contact information for Chief Bill Tokajer with that department and also the contact information for Safariland representative Tommy Campbell.

I then made telephone contact with HBPD, Chief Bill Tokajer who advised the incident they had involved an HBPD officer who reported his handgun had randomly fired while fully secured in the holster. Chief Tokajer did not speak at length about the incident but advised their subsequent investigation revealed a zipper on a handbag being carried at the time by the officer had inserted into the trigger guard area of the holstered handgun and movement by the officer caused zipper to cause the weapon to fire.

I spoke with Chief Takajer about two particular situations wherein a SIG SAUER handgun would be fired while secured inside the holster. The first circumstance being when the handgun is fully secured by all safety mechanisms of the holster and the second being when the handgun is fired with one or more of the safety mechanisms off or released.

Chief Tokajer advised he could not speak on the second circumstance but advised the first circumstance was exactly what occurred in their incident meaning that all safety mechanisms were in place when the weapon fired. I asked Chief Tokajer how the handgun reacted after being fired while fully secured in the holster and he explained the handgun slide mechanism did not function properly because the slide movement was restricted by the Self Locking System, SLS, or the "hood" on the holster covering the rear of the slide. Because of this restriction, Chief said the slide did not function and the spent cartridge casing was not ejected from the chamber of the handgun and the spent casing remained in chamber. Chief Tokajer said Mr. Tommy Campbell with Safariland could likely shed addition light on the second circumstance I mentioned. I thanked Chief Tokajer for his time and conversation and the call ended.

I then made telephone contact with Mr. Tommy Campbell and discussed my investigation with him. I spoke with Mr. Campbell about the two particular situations wherein a SIG SAUER P320 9mm handgun would be fired while fully secured inside the holster. Again, the first circumstance being when the handgun is fully secured by all safety mechanisms of the holster and the second being when the handgun is fired with one or more of the safety mechanisms off or released. Mr. Campbell advised through repeated and thorough testing in conjunction with SIG SAUER both circumstances were at some point reviewed and tested. Mr. Campbell confirmed the handgun reacted in a completely different manner under the two circumstances. The first circumstance Mr. Campbell talked about was after the handgun was fired while fully secured in the holster. Mr. Campbell explained that in that circumstance, the handgun slide mechanism was not permitted to function properly because the slide movement up and to the rear was restricted by the Self Locking System, SLS, or the "hood" on the holster covering the rear of the slide. Mr. Campbell said because of this restriction, the slide did not move and therefore the spent or fired cartridge casing was therefore not ejected from

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the chamber of the handgun and a new round was not loaded from the magazine.

Likewise in the second circumstance wherein one or more of the safety mechanisms were deactivated or not in place the handgun would react differently. Mr. Campbell first explained for example if the "hood" or Self Locking System, (SLS) was released and moved forward it would not be in place covering the top of the handgun and in particular the rear of the slide when the handgun was fired. In this circumstance Campbell said if the handgun was fired the slide could potentially move partially as designed to the rear but he went on to explain that a "failure to feed" would likely occur because the handgun was still secured in the holster by the "Ejection Port Locking Lever," (EPLL) down inside the holster. Mr. Campbell emphasized that the Ejection Port Locking Lever was made of hardened plastic and would either hold the handgun in place or sheer off or damage as result of the handgun being fired and the slide action partially functioning.

Mr. Campbell also pointed out that if the Ejection Port Locking Lever was not secured and holding the handgun down in place in the holster as designed, their repeat testing reveled the likely result would be the weapon would fire and "jump" up slightly allowing the spent or fired casing to be ejected and another "live" round to be chambered from the magazine. Mr. Campbell said when this occurred the spent casing most often would stay inside the holster with the handgun loosely in the holster.

It should be noted at this point that this is exactly the circumstance SRO Cross told me he observed when he initially looked down at his handgun after the discharge. Cross said referring to his handgun in the holster, "I took my weapon out and it was already half way or quarter of the way, I can't remember the exact time but I saw that it um the casing was inside the holster." Cross went on to say, "So I took it out, I unloaded it cause I didn't know what was wrong I could have malfunctioned or something I didn't know."

Mr. Campbell pointed out again if the handgun is "snapped" or secured down inside the holster and fired the ejection port locking device would likely hold the handgun securely in place or sheer and/or damage in some way. Mr. Campbell said again if the handgun was held in place and the EPLL engaged a failure to feed would likely result and the spent or fired casing would therefore not eject as there was no room in the holster to allow it to do so. I thanked Mr. Campbell for his time and conversation and the call ended. Mr. Campbell told me to feel free to contact him if any addition reference or assistance from him was required or requested.

On 5-1-19, I completed a submission request for the handgun in this incident to be sent to the FDLE laboratory in Tampa for examination. The submission slip was emailed to property evidence.

This report remains referred to the Dade City State Attorney and I will supplement any additional investigation as required.

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Investigator: *HARRIS, T. L. (1744)***Date / Time:** *07/09/2019 09:47:46, Tuesday***Supervisor:** *QUINLAN, D. T. (0704)***Supervisor Review Date / Time:** *07/09/2019 13:14:44, Tuesday***Contact:****Reference:** *Supplement Completed*

On 7-8-19, I received a document from the Circuit/County Court of the Sixth Judicial Circuit of the State of Florida in and for Pasco County. This document reflected that Assistant State Attorney M. Garcia had recommended the filing of a No Information in this case for the following reasons:

"Prosecution is not warranted and is better handled administratively by the Pasco Sheriff's Office."

This no file letter will be included in the case file folder and this investigation will be exceptionally cleared with no further investigative action.

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Investigator: *HARRIS, T. L. (1744)***Date / Time:** *07/10/2019 07:40:27, Wednesday***Supervisor:** *HATCHER, J. E. (1797)***Supervisor Review Date / Time:** *07/10/2019 10:07:13, Wednesday***Contact:****Reference:** *Supplement Completed*

Included in this case file folder are two Laboratory Reports, (LR), documenting requested functionality test on the Sig Sauer P320 handgun Serial # 58A188786. LR 1, dated 5-28-19, documents "the pistol was test fired using the submitted magazine and was found to be functional." LR 2, dated 6-13-19, documents "the pistol trigger pull was measured using a force gauge to be 7.4 pounds +/- 1.2 pounds (k=3, 99.7%)."

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